THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WP No.15131/1995

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Dt. 28-2-2006

1. Baka Govinda Swamy and others. …Petitioners

V.

1. The Superintending Engineer, Andhra Pradesh State Electricity Board,Tirupathi, Chittoor District and another ..Respondents.

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ORAL ORDER:

The petitioners who have been declared entitled to ryothwari pattas under the provisions of A.P. Inams (Abolition) Act, 1956 were issued ryothwari pattas on 19-4-1961. The second respondent who was unsuccessful filed OS No.588/1979 on the file of First Additional District Munsif, Tirupathi for permanent injunction. The said suit was dismissed by judgment dt. 5-3-1987. Aggrieved by the said judgment, the second respondent preferred AS No.64/1987 on the file of Addl. District Judge, Tirupathi, which was also dismissed on 17-2-1985. While so, when the first respondent tried to dispossess the petitioners contrary to the judgments passed by the civil courts, the petitioners filed the present writ petition.

The first respondent filed a counter-affidavit stating that on the request made by the Board vide letter dt. 6-6-1974 for acquiring land to an extent of Ac.10-00 in S.No.57/3 comprising Ac.30-63 cents, for expansion of 66/31-11 KV sub-station and buildings for meeting the extra power demand on account of establishing industrial complex at Tirupathi, proceedings were initiated by issuing draft notification under Section 4(1) of the Land Acquisition Act by the Revenue Divisional Officer, Tirupathi and published the same in A.P.Gazette dt. 22-1-1981. Subsequently, award enquiry was conducted by Revenue Divisional Officer after issuing notices under Sections 9(1), 9(3) and 10 of the Land Acquisition Act and award was passed on 2-5-1986. On passing the award, the Board deposited a sum of Rs.8,45,433-50 by way of DD towards the value of the land with the Revenue Divisional Officer, and possession of the land was also delivered to the Board. On taking possession of the land Board constructed 132 KV sub-station on the land. The petitioners neither raised any objection with regard to the acquisition nor participated in the award enquiry, even after wide publicity is given by beat of tom tom.

Having regard to the statements made in the counter-affidavit, the petitioners have, if any, right over the property and are entitled to compensation, proper remedy for them is either to seek reference under Section 30 of the Land Acquisition Act or filed a civil suit for recovery of the amount paid to the awardees under award dt. 2-5-1986. Once possession is taken on initiation of land acquisition proceedings and passing the award, the contention of the petitioners that the Board have no right over the land cannot be accepted.

The writ petition is devoid of any merit and is dismissed. No costs.

28-2-2006

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